

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF SOUTH DAKOTA

APPLICATION OF EXTENET SYSTEMS, INC.)
FOR A CERTIFICATE OF AUTHORITY TO) DOCKET NO. TC17-009
PROVIDE TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF SOUTH DAKOTA)

JOINT STIPULATION

The South Dakota Telecommunications Association ("SDTA") and ExteNet Systems, Inc. ("ExteNet") (collectively, the "Parties"), through their respective counsel, hereby submit this Joint Stipulation as a resolution of all pending issues between the Parties in the above-captioned proceeding for ExteNet's application for a Certificate of Authority ("Application") filed with this Commission on March 23, 2017.

Specifically, through execution of this document, each of the parties agrees to the following terms:

1. ExteNet, as indicated in its Application, is seeking authority to provide "non-switched dedicated Point-To-Point Private Virtual Circuit (PVC) Transport Service in the State of South Dakota." As indicated in its Application, ExteNet provides transport service to Wireless Service Providers and other large enterprise customers, deployed on fiber optic cable using a combination of deploying its own network facilities, and leasing services from a variety of existing carriers. Further, as stated in the Application, ExteNet will not serve residential or non-enterprise level business customers, and as clarified in the data responses, will not "offer traditional residential or business local telephone service."
2. Further, as to the need for interconnection with existing local exchange carriers, ExteNet states in its Application that "ExteNet intends to construct its own facilities to provide point-to-point transport on a wholesale basis, and does not anticipate it

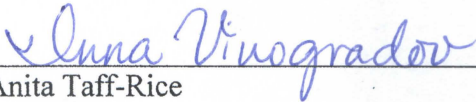
will need to enter into interconnection agreements at this time.” Interconnection arrangements with LECs are generally made by ExteNet's customers, which are the entities that ultimately serve end users.

3. Based on these facts and other facts presented by ExteNet in this matter, the parties have agreed to the issuance of ExteNet's requested Certificate of Authority as long as the Order issuing the Certificate of Authority incorporates the following agreed upon terms:


- (a) The parties agree that the Certificate of Authority granted by the Commission to ExteNet would be limited to authorizing ExteNet to provide “non-switched virtual private point-to-point transport service.”
- (b) The certification granted by the Commission would not permit ExteNet to provide telephone exchange services or switched access services within rural telephone company service areas. In addition, ExteNet agrees that the offering of its service in South Dakota's rural service areas will not require it to request interconnection services from rural telephone companies.
- (c) In the future, if ExteNet chooses to provide telephone exchange services or switched access services within any area served by a rural telephone company, ExteNet is required to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f). This will allow the Commission to require ExteNet to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in a rural service area.
- (d) The parties agree that the grant of statewide certification to ExteNet as specified herein will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

4. With this agreement of the parties, the parties request that the Commission approve the requested Certificate of Authority subject to the terms and conditions set forth herein.

AGREED AND STIPULATED to this 19th day of May 2017.



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